REMARKS

I.   Overview

Claims 15, 16, and 27-35 are pending. Claims 15 and 16 are amended herein. Claims 40-51 are added herein.

The Examiner rejected claims 15 and 16 under 35 U.S.C. § 112, first paragraph; rejected claims 15, 16, and 27-34 under 35 U.S.C. § 102(b) over Cluts (5,616,876); and rejected claim 35 under 35 U.S.C. § 103(a) over Cluts in view of Nakajima (5,897,650). As detailed below, Applicant respectfully submits that the claims of the present invention are patentable over Cluts and Nakajima because the cited art fails to teach or suggest the selection of multiple items as seeds or the generation of recommendations based upon multiple seeds.

II.   Rejections under 35 U.S.C. § 112

The Examiner rejected claims 15 and 16 under 35 U.S.C. § 112, first paragraph, asserting that "ensuring that (1) the plurality of items displayed to the user and (2) the list of recommended items do not contain items having a rating in the user profile" as recited would require undue experimentation. Office Action, p. 3. However, the claim language that the Examiner is referring to recites a negative limitation indicating steps that Applicant's technology does not perform in order to generate recommendations. Applicant's specification describes displaying a plurality of items to the user in several places, particularly in Figures 5, 6, and 7, and the accompanying description. Although Applicant believes that these claims were supported by Applicant's disclosure as they were previously written, Applicant has amended these claims for clarity. Applicant submits that the rejection is rendered moot by these amendments, and respectfully requests that the rejection be withdrawn.

III.   Applicant's Disclosure

Applicant's disclosure describes an item recommendation system in which a user selects multiple seed items and receives a list of recommended items based on the

multiple selected seeds. As recited in the claims, Applicant's disclosure allows a user to assemble a group of seed items that is representative of the type of items that the user is presently trying to find.

IV.   The Prior Art

Cluts describes a music-on-demand system in which a user selects songs on a network to add to a playlist of songs to be played. One function of Cluts allows a user to select a "more" button to add songs to the user's playlist that are similar to the currently playing song. Cluts is specifically limited to using a single selected song as a seed for finding recommended songs: "the present invention provides systems and methods for using a seed song (e.g., the current song) to add new songs to a playlist." Cluts, col.14:13-16 (emphasis added). Accordingly, Cluts fails to teach or suggest using multiple items selected by a user as seeds or using multiple seeds to generate recommendations.

Nakajima, cited by the Examiner for teaching draggable controls, describes a document scrap system in which a user selects a portion of a document to create a document scrap for incorporation into other documents. When a user selects a single portion of a document and drags that portion to the desktop, a document scrap is created. When the user drags the document scrap into another document, the originally selected portion of the first document is inserted into the second document. Nakajima contains no teaching of item recommendations. Accordingly, Nakajima fails to teach or suggest using multiple selected items as seeds or using multiple seeds to generate recommendations.

V.   Rejections under 35 U.S.C. § 102(b) and § 103(a)

The Examiner rejected claims 15, 16, and 27-34 under 35 U.S.C. § 102(b) over Cluts, and claim 35 under 35 U.S.C. § 103(a) over Cluts in view of Nakajima. Applicant respectfully traverses these rejections.

Claims 15 recites "selecting as <u>seed items</u> the plurality of browsed items." Claim 16 recites "generating a list of recommended items using the selected <u>seed items</u>." Claim 27 recites "a control for selecting products in the group as recommendation <u>seeds</u>" and "adding to a list of recommendation <u>seeds</u> products in the group." Accordingly, each of Applicant's claims recites the use of multiple recommendation seeds which is not taught by either Cluts or Nakajima. As discussed above, Cluts recommends songs based only on the currently playing song, and Nakajima contains no teaching regarding item recommendations at all. Therefore, Applicant's claims are patentable over Cluts and Nakajima, either alone or in combination. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Moreover, it is unclear how it would be possible to combine the system of Nakajima with Cluts to produce Applicant's invention of claim 35. "If [the] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." M.P.E.P. § 2143.01(V) (citing *In re Gordon*,733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)). Cluts does not allow selecting only a portion of a song for inclusion in another song, and the dragged portion of a document in Nakajima is not useful for selecting other similar portions of documents. Even if the cited art taught the recited elements, a position refuted by Applicant above, there is no teaching or suggestion within either Cluts or Nakajima to combine these references in any way, much less to produce Applicant's invention. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

VI.   Conclusion

Based upon these remarks and amendments, Applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3265. Applicant believes all required fees are being paid in connection with this response.

However, if an additional fee is due, please charge our Deposit Account No. 50-0665, under Order No. 249768045US from which the undersigned is authorized to draw.

Dated: Respectfully submitted,

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